

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF ATMOS) CASE NO. 2016-00262
ENERGY CORPORATION FOR PRP)
RIDER RATES)

ORDER

On October 4, 2016, Atmos Energy Corporation (“Atmos”) filed a petition (“Petition”) pursuant to 807 KAR 5:001, Section 13, that certain materials filed with the Commission be afforded confidential protection for an indefinite period and not be placed in the public record subject to public inspection.

In support of its Petition, Atmos states that the information it is requesting to be held confidential is contained in its response to Commission Staff’s Second Request for Information to Atmos (“Staff’s Second Request”) pertaining to a Settlement, Release, and Confidentiality Agreement executed by Atmos and the Kentucky Department of Revenue (“Agreement”). Specifically, Atmos requests confidential treatment of its response to Staff’s Second Request, Item 3.b., which contains the finalized settlement agreement showing the value of Atmos Kentucky’s operating property for ad valorem tax purposes for 2014. Atmos states that the information in the Agreement is generally recognized as confidential or proprietary pursuant to KRS 61.878(1)(c)(2)(b) as it was filed “in conjunction with an application for or the administration of assessments, incentives, inducements, and tax credits as described in KRS Chapter 154.”

Having carefully considered the Petition and the materials at issue, the Commission finds that the designated material contained in Atmos’s response to Staff’s

Second Request, Item 3.b., is generally recognized as confidential or proprietary and meets the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1)(c)(2)(b) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. Atmos's Petition for confidential protection for designated material contained in its response to Staff's Second Request, Item 3.b., is granted.

2. The designated material set forth in Atmos's response to Staff's Second Request, Item 3.b., shall not be placed in the public record or made available for public inspection for an indefinite period of time, or until further Orders of this Commission.

3. Use of the material in question in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).

4. Atmos shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential treatment.

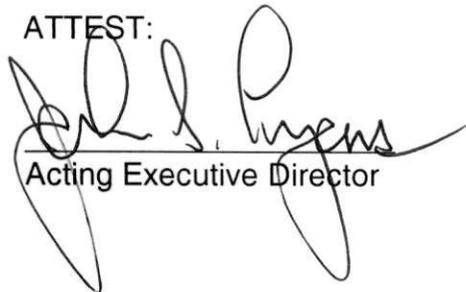
5. If a non-party to this proceeding requests to inspect material granted confidential treatment by this Order, and the period during which the material has been granted confidential treatment has not expired, then Atmos shall have 20 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Atmos is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested material available for inspection for 20 days following an Order finding that the material no longer qualifies for confidential treatment in order to allow Atmos to seek a remedy afforded by law.

By the Commission

ENTERED
JUL 06 2017
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Acting Executive Director

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